

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

**FILED**

**NOV 26 2018**

Clerk, U.S. Courts  
District Of Montana  
Missoula Division

MATT BARKER, TERRIL  
BERNHARDT, DWAYNE  
BINKLEY, MARK BOESCH,  
MIKE CONRAD, RANDALL  
DOANE, KEN DURIE, DAMIAN  
EDWARDS, MIKE ELLEN,  
DANIEL ENDECOTT, RYAN  
EWER, CHUCK FYFE, MIKE  
GATES, JASON GORDON, RICK  
HAJEK, DAVIS B. HARRIS,  
THOMAS HARTZELL, RANDY  
HILL, TRAVIS HILL, GRAHAM  
HYDE, TYLER JARVIS, GERALD  
JELLETICH, PAUL KENNY,  
ROBERT MATTIJETZ, JEFF  
MCCHRISTIAN, CHRIS  
MCPHERSON, LESTER  
MEINZEN, ERIN MESSEX,  
MARK MILLER, BRUCE  
MILLER, ISAAC MILSTEAD,  
DAVID NORDMAN, RANDY  
PHILLIPS, DENNIS K. RAMEY,  
GREGORY RAUER, MILES  
RAUER, MICHAEL RYKER,  
ALLEN SCHMIDT, BRETT  
SHARBONO, ROB SIMS,  
WILLIAM "BERT" SMEAD,  
MARVIN SNEDIGAR, JONI  
SOLANDER, JASON SPEK,  
ROGER STEVENS, KI  
STODDARD, RICHARD WAYNE  
SUMMERS, STEVE TENOLD,  
KENNETH TICHENOR, ZACH  
TITECA, DAN WALDO, DON

CV 18-179-M-DLC

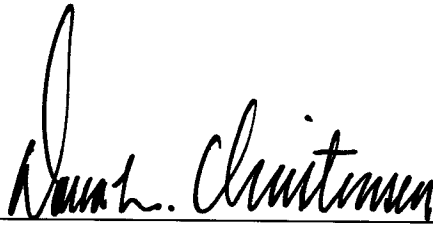
ORDER

<p>WHITEHAIR AND PATRICK WURSTER</p> <p>Petitioners,</p> <p>v.</p> <p>SELWAY CORPORATION and the SELWAY CORPORATION EMPLOYEE STOCK OWNERSHIP PLAN,</p> <p>Respondents.</p>	

Before the Court is the Uncontested Motion to Intervene (Doc. 8) filed by proposed intervenor Max M. Downing (“Downing”). Downing seeks to intervene pursuant to Federal Rule of Civil Procedure 24(a), “as of right.” The Court finds that Downing may intervene as of right because his motion is timely, he has a significantly protectable interest relating to the transaction that is the subject of the action, the disposition may impair or impede his ability to protect that interest, and his interest is not adequately represented by the existing parties in the lawsuit. *DBSI/TRJ IV Ltd. Partnership v. United States*, 465 F.3d 1031, 1037 (9th Cir. 2006). Accordingly,

IT IS ORDERED that Downing’s Motion (Doc. 8) is GRANTED and he is hereby granted leave to intervene as Respondent-Intervenor in this matter pursuant to Rule 24(a).

DATED this 26<sup>th</sup> day of November, 2018.

A handwritten signature in black ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large, looped initial "D".

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Dana L. Christensen, Chief Judge  
United States District Court